

Wheeling, West Virginia  
July 19, 2016

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Glenn Elliott presiding.

The invocation was offered by Second Ward Councilor Ken Imer.

On roll call, the following were present:

Elliott, Thalman, Imer, Wilson, Scatterday, and Thorngate.

- 6

Mr. Palmer was absent.

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the July 5, 2016 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor Glenn Elliott reported the sad news that former City Manager Jim Curnes passed away last week, along with Ohio County Assessor Kathie Hoffman. He also reported that Fire Chief Larry Helms and his wife were in a bad motorcycle accident this past week-end and he extended well wishes and a quick recovery to them. He welcomed Assistant Chief Ed Giesel, who will be Acting Fire Chief in his absence.

As indicated at the last Council meeting, Mayor Elliott has formed an Ad Hoc Committee on Retention. The committee is tasked with preparing and presenting to City Council a series of recommendations relating to population retention, especially our young people. After a four month period the committee will finalize its formal recommendations to Council. The Committee consists of Derick McKee and Shawn Fluharty, Co-Chairs; Members Erin Carenbauer, Joelle Connors, Dalton Haas, Blake Humphrey, Elizabeth James, Jason Koegler, Chris Rouhler, Ron Scott, Jr., Allison Skibo, Andy Thalman, Will Turani, Carrie White and Ric Zambito. Mr. McKee and Mr. Fluharty addressed Council and expressed their enthusiasm in participating on this committee.

The second committee that the Mayor has formed is the Ad Hoc Committee on Regional Industrial Development. This committee is tasked with preparing and presenting recommendations for the City's overall preparedness in the event that the proposed Ethane Cracker Plant is ultimately constructed in Dilles Bottom, Ohio. The committee will consider both the short-term and long-range impacts that such a development could have on Wheeling's economy, infrastructure, roadways, school systems, labor force, housing market and environment. Within a six month period, the committee shall finalize its formal recommendations to City Council. The committee consists of Chair Peter Holloway, Members Erikka Storch, Frank O'Brien, Olivia Litman, Lloyd Adams, Bengy Swanson, David Croft, Tom Connor, Eddie D'Aquila, Art Musicaro, Doug Patterson, Rick Jones, Brian Harto, Joelle Connors, Joe Eddy and Craig O'Leary. Mr. Peter Holloway addressed Council and commented that we need to be proactive as there will be an influx of thousands of workers in both Pennsylvania and Ohio, which will ultimately flow over to our area.

Mayor Elliott commented on the India Festival that was held this past week-end at the Heritage Port and what a nice event that it was. He also reported that the Italian Festival will take place this coming weekend at the Heritage Port.

### **UNFINISHED BUSINESS**

ADOPTING TRAFFIC RULE NO. 4568 - NO PARKING SOUTH SIDE OF FULTON ST. (Tabled 6/21/16 and 7/5/16)

As there was no motion to lift this ordinance from the table, the ordinance died.

AUTHORIZING OVRTA BUS LEVY ELECTION

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF

WHEELING PROVIDING FOR AN ELECTION TO  
AUTHORIZE ADDITIONAL TAX LEVIES FOR THE FISCAL  
YEARS BEGINNING JULY 1, 2018, JULY 1, 2019, AND JULY  
1, 2020, TO PROVIDE FUNDS FOR THE CITY OF  
WHEELING'S SHARE OF FUNDING FOR ANY DEFICIT OF  
OPERATING COSTS AND THE COSTS OF ACQUIRING  
CAPITAL EQUIPMENT AND FACILITIES FOR THE SAME  
PERIOD FOR A SYSTEM OF URBAN MASS TRANSIT TO BE  
PROVIDED BY THE OHIO VALLEY REGIONAL  
TRANSPORTATION AUTHORITY.

The ordinance was read a second time by title. Mr. Thalman moved, seconded by Ms. Scatterday, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate	- 6
NOES:	- 0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

AGREEMENT WITH OHIO COUNTY BD. OF EDUCATION - GARDEN PARK  
RECREATION COMPLEX

The following was then read:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH  
THE OHIO COUNTY BOARD OF EDUCATION REGARDING  
USE OF A PORTION OF THE GARDEN PARK RECREATION  
COMPLEX - FY 2016-2017.

The ordinance was read a second time by title. Mr. Thalman moved, seconded by Ms. Scatterday, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate	- 6
NOES:	- 0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

SAVAGE CONSTRUCTION - WARWOOD TENNIS COURTS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO  
EXPEND FUNDS IN THE AMOUNT OF \$315,560.72 WITH  
SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR  
WARWOOD TENNIS COURTS, TO BE CHARGED TO  
WATER - #400.1304.02.00.

The ordinance was read a second time by title. Mr. Thalman moved, seconded by Ms. Scatterday, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate	- 6
NOES:	- 0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

In response to a question from Mr. Thalman as to when this project will start, Mr. Herron said that he did not have a definite date; however, it typically takes 30 days from the passing of the ordinance for the contractor to be ready to go. He will find out and let Council know.

Mr. Thalman moved, seconded by Mr. Thorngate, that the Human Rights Commission Minutes, 5/17/16, which were held over, be approved as received. Motion carried.

### **REMARKS FROM MEMBERS OF COUNCIL**

Ms. Scatterday expressed appreciation to Public Works Director Rusty Jebbia and Economic and Community Development Assistant Director Tom Connelly and their departments for handling some significant property issues in Ward 4.

### **REPORT OF CITY MANAGER**

As was mentioned earlier, City Manager Robert Herron reported that, as a result of Fire Chief Larry Helms accident, he has appointed Assistant Chief Ed Giesel as Acting Fire Chief. He also reported that asbestos abatement has begun on the 1100 block and when that is complete, demolition in that area will begin. In addition, he reported that he signed a certificate of completion on Phase III of the Wesbanco Arena Project.

Relevant to Item No. 2, under Original Propositions, regarding the Wheeling Dog Park, Mr. Herron said that the Community Foundation of the Upper Ohio Valley clarified the amount that the City of Wheeling is contributing to approximately \$10,000.00, not the \$30,000.00 that is stated in the ordinance and asked that it be amended to reflect that.

Mayor Elliott asked if City Manager Herron could explain the Ordinance that is under Original Propositions, 9/1. Mr. Herron said that the City is self insured and this is an excess liability insurance that occurs yearly. He also explained that 9/4, an agreement with Wheeling-Ohio County Board of Health is also an annual agreement for fiscal year 2016-17; however, the amount has increased to \$67,000.00 this year as the funds that they receive from the State were cut significantly.

### **COMMITTEE REPORTS**

A this time Mayor Elliott asked if anyone would like to make a committee report. Mr. Thalman said that he would report on the Finance Committee meeting that was held prior to this meeting at the next Council meeting.

Ms. Scatterday gave a brief report as to what occurred at the Planning Commission meeting Monday evening. Minutes of the meeting and action that was taken will be coming to Council.

Mr. Thalman also reported that he attended the Wheeling-Ohio County Board of Health meeting that was held on July 12, 2016. Minutes of the meeting will be included on Council's agenda in the near future.

### **REPORT OF OTHER OFFICERS**

Mr. Imer moved, seconded by Mr. Wilson, that the Wheeling Municipal Parking System Financial Report, 5/31/16; Robert C. Byrd Intermodal Transportation Center Financial Report, 5/31/16; CDBG Program Status Report, 6/30/16; HOME Program Status Report, 6/30/16; Planning Commission Minutes, 5/9/16; Planning Commission Annual Report - FY 2015-16; Wheeling-Ohio County Board of Health Minutes, 5/17/16; and Financial Statement, 6/30/16; be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### **USI INSURANCE SERVICES, LLC - EXCESS LIABILITY - WORKERS COMP**

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO  
EXPEND FUNDS IN THE AMOUNT OF \$83,588.00 WITH USI  
INSURANCE SERVICES, LLC, OF VIRGINIA BEACH, VA,  
FOR EXCESS LIABILITY WORKERS' COMPENSATION

POLICY (FY 2016 TO 2017), TO BE CHARGED TO CUSTODY  
ACCOUNT - WORKERS' COMPENSATION #2335830788.

SAVAGE CONSTRUCTION CO. - CITY'S PORTION OF WHEELING DOG PARK

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO  
EXPEND FUNDS IN THE AMOUNT OF \$30,000.00 WITH  
SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR  
THE CITY'S PORTION OF THE WHEELING DOG PARK, TO  
BE CHARGED TO SALES TAX RCIP.

Mr. Thalman moved, seconded by Ms. Scatterday, that the ordinance be amended  
to reduce the amount to \$10,000.00 instead of \$30,000.00 as explained earlier by City Manager  
Herron. Motion carried.

AMENDING CODIFIED ORDINANCES - CHAPTER THREE - LEGISLATIVE CODE -  
ARTICLE 111 - COUNCIL

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING AMENDING AND REENACTING CHAPTER  
THREE - LEGISLATIVE CODE, ARTICLE 111 - COUNCIL,  
SECTIONS 111.03 MEETING NOT HELD IN COUNCIL  
CHAMBERS; 111.04 SPECIAL MEETINGS; 111.21 VOTING  
REQUIRED; EXCEPTION; 111.23 RISING TO SPEAK.

AGREEMENT - WHEELING-OHIO COUNTY BOARD OF HEALTH - FY 2016-2017

The following was then read:

WHEELING-OHIO COUNTY BOARD OF HEALTH FOR THE  
PROVISION OF HEALTH SERVICES AND THE USE OF  
PUBLIC HEALTH FACILITIES FOR FY 2016-2017, IN THE  
AMOUNT OF \$67,000.00, TO BE CHARGED TO COAL  
SEVERANCE ACCOUNT - #002.4412.50.2264 (\$25,000.00)  
AND GENERAL FUND-HEALTH DEPARTMENT-  
#001.4414.50.5138 (\$42,000.00).

**THOSE WISHING TO BE HEARD**

Mr. Tom Howard, President of the Fraternal Order of Police, addressed Council  
and extended an invitation to Council to meet with them about various issues. In response to a  
question from Mayor Elliott as to whether this would violate the Open Meetings Act, the Legal  
Department clarified that as long as no topics were addressed that would require a vote of  
Council, it would be okay to do so.

Sharon Travis had signed up previously but was not in attendance at this  
evening's meeting.

Bill O'Leary, 158 Paxton Avenue, addressed Council on behalf of some residents  
of the Elm Grove area about the traffic light at Kruger Street and more signage when entrances  
to the Interstate are closed, directing people where to go. He asked that the Department of  
Highways be contacted about these matters. Mr. O'Leary also reported that the Elm Grove  
Crime Watch meeting will be held at the Elm Grove Civics tomorrow night at 7:00 p.m. and  
invited all to attend.

There being no further business, Mr. Thalman moved, seconded by Mr.  
Thorngate, to adjourn. Motion carried. Time: 6:15 p.m.